BEST COPY
AVAILABLE

State Law Library of Montana

MONTANA LEGISLATIVE HISTORY

Chapter 173 Session L 1989
Bill House ____ Senate 221

History and final status sheet X
Introduced bill X
Fiscal note NA
Third reading bill X
Final version of bill X

House Committee on Highways & Transp
Hearing date(s)* 3-2 ____
____ ____
Executive action (vote) date(s)* 3-2
Comm. Report 3-3
Floor 2nd reading & vote 3-6
Floor 3rd reading & vote 3-7

Senate Committee on Highways & Transp
Hearing date(s)* 2-9 2-13
____ ____
Executive action (vote) date(s)* 2-13
Comm. Report 2-13
Floor 2nd reading & vote 2-15
Floor 3rd reading & vote 2-17

Conference or Free Conference Comm. ____ Yes X No
Hearing date(s)* ____
Executive action (vote) date(s)* ____

* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? ____ Yes X No
Committee ____ Report ____

NOTES: Impose 35 MPH speed limit on highway being surveyed

State Law Library of Montana

Compiled by: rg
Date: 5-20-2016

2/06	REVISED FISCAL NOTE RECEIVED		
2/06	REVISED FISCAL NOTE PRINTED		
2/07	2ND READING DO PASS MOTION FAILED	19	30
2/07	2ND READING INDEFINITELY POSTPONED	37	12

SB 221 INTRODUCED BY TVEIT, ET AL.
IMPOSE 35-MPH SPEED LIMIT ON HIGHWAY BEING SURVEYED

1/25	INTRODUCED		
1/25	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/09	HEARING		
2/13	COMMITTEE REPORT--BILL PASSED		
2/15	2ND READING PASSED	50	0
2/17	3RD READING PASSED	47	3
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/02	HEARING		
3/03	COMMITTEE REPORT--BILL CONCURRED		
3/06	2ND READING CONCURRED	89	0
3/07	3RD READING CONCURRED	81	12
	RETURNED TO SENATE		
3/13	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 173 EFFECTIVE DATE: 10/01/89		

SB 222 INTRODUCED BY TVEIT, ET AL.
PROVIDE FOR PASSING OF TITLE TO CATTLE FROM AUCTION YARD

1/25	INTRODUCED		
1/25	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
2/01	HEARING		
2/02	COMMITTEE REPORT--BILL PASSED		
2/04	2ND READING PASSED	47	0
2/07	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
3/03	HEARING		
3/04	COMMITTEE REPORT--BILL CONCURRED		
3/06	2ND READING CONCURRED	89	0
3/07	3RD READING CONCURRED	95	0
	RETURNED TO SENATE		
3/13	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 160 EFFECTIVE DATE: 10/01/89		

SB 223 INTRODUCED BY KEATING, ET AL.
REVISE THE MAJOR FACILITY SITING ACT DEFINITION OF "UTILITY"

1/25	INTRODUCED		
1/25	REFERRED TO NATURAL RESOURCES		

LC 1392/01

BILL NO. 221

INTRODUCED BY Senate Tveit Stapleton Gillett Hayne Nelson Atthowe Jergeson

A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A SPEED LIMIT OF 35 MILES PER HOUR ON A HIGHWAY BEING SURVEYED; AND AMENDING SECTION 61-8-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-303, MCA, is amended to read:

"61-8-303. Speed restrictions -- basic rule. (1) A person operating or driving a vehicle of any character on a public highway of this state shall drive it in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to view ahead, and he shall drive it so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.

(2) Where no special hazard exists that requires lower speed for compliance with subsection (1) of this section, the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 61-8-309, 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in excess of those limits is unlawful:

(a) 25 miles per hour in an urban district;

(b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed;

(c) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.

(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(4) The speed limits set forth in this section may be altered by the highway commission as authorized in 61-8-309, 61-8-310, and 61-8-313.

(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."

NEW SECTION. **Section 2.** Extension of authority. Any existing authority to make rules on the subject of the

INTRODUCED BILL
SB 221

Montana Legislative Council

provisions of [this act] is extended to the provisions of [this act].

-End-

MINUTES

BEST COPY AVAILABLE

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAY AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on FEBRUARY 9, 1989, at 1:00 p.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, Hubert Abrams, William Farrell, Cecil Weeding, Jerry Noble, Lawrence Stimatz, John Harp, Bob Williams

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced that there are four bills being heard and they would go in this order: Senate Bills 316, 216, 221 and 345.

HEARING ON SENATE BILL 316

Presentation and Opening Statement by Sponsor: SENATOR KEATING, District 47 stated that this would be new in the law with regard to standardization of emergency tow trucks. The administrative rules have required that the highway patrol have the tow-car rotation system. If there is an accident on a highway and is a hazard to other traffic, if the owner did not know of a tow service, the highway patrol is directed by the rule to call out the nearest tow truck. He went through the bill with the Committee Members and explained that the Statement of Intent is a rule-making authority for the Department of Justice and the Department of Highways to coordinate in establishing the rules. Senator Keating stated that this legislation does not affect all of the towing vehicles or towing companies in this state, it affects only those tow operators who wish to place their names on the rotation system to be called out in the case of an emergency. Law enforcement rotation system is addressed in the administrative rules, but it is not applicable when the owner or operator of the disabled vehicle wants to call somebody of their own choice.

ED FLIES, Montana State Council of Professional Fire Fighters and the City of Helena Fire Department are in support of Senate Bill 216.

RICHARD SEDDON, Secretary-Treasurer of the Montana State Fireman Association stated that they stand in favor of Senate Bill 216.

Questions From Committee Members: SENATOR NOBLE questioned why, a fire truck as big as it is, as well as, having some very complex equipment, wouldn't need to require some driving skill to conform to today's highways.

RICHARD SEDDON explained that the Commercial Vehicle Act does apply to vehicles in the 26,000 pound and most of the volunteer units are not in that weight category. There are some fire units that are, but most are not.

Closing by Sponsor: SENATOR MANNING closed the hearing on Senate Bill 216.

VICE CHAIRMAN MEYER took over the chair.

HEARING ON SENATE BILL 221

Presentation and Opening Statement by Sponsor: SENATOR TVEIT explained that Senate Bill 221 deals with speed limits and safety on the highways. On page 2, line 5 when roads are under construction, the people have the right to put up slow-moving signs. This bill will add on if they are being surveyed. He stated that there is a problem out there with surveyors. The Highway Department has requested that something be done in this area and to slow down traffic when going around surveyors on the road. This is a safety measure.

List of Testifying Proponents and What Group they Represent:

Beate Galda, Attorney for the Department of Highways

List of Testifying Opponents and What Group They Represent:

None

Testimony:

BEATE GALDA, Attorney for the Department of Highways explained that this bill will put the survey crews under the same protection that maintenance crews and construction crews have at the present time. Right now, the survey crews post a orange and black 35 mile per hour sign. It advises people to go that speed, but is not enforceable. If they could put up the black and white signs, rather than orange and black signs, than if an highway patrol is in the area they would be allow to ticket violators.

Questions From Committee Members: SENATOR WILLIAMS asked Senator Tveit, if this were to become law, how would it be in effect during lunch hours.

SENATOR TVEIT stated that the signs would be up where they are surveying for the time they are there.

Closing by Sponsor: SENATOR TVEIT closed the hearing on Senate Bill 221.

HEARING ON SENATE BILL 345

Presentation and Opening Statement by Sponsor: SENATOR VAN VALKENBURG, District 30 stated that the way we presently register motor homes, the registrations expire at the end of December. The majority of owners of motor homes are out of state during that month. It is a real hassle for those people to get a registration renewed. He suggested that it be put on the staggered system like other registrations. There is also another bill, which was drawn up by Representative Darko, with the similar idea only a bit broader application to some other vehicles besides motor homes and setting a fixed date in May. It is a service we could change and would make many people happy.

List of Testifying Proponents and What Group they Represent:

Bonnie Tippy, Montana Manufactured Housing and Recreational Vehicles Association
Bob Robinson, /Administrator of the Motor Vehicle Division

List of Testifying Opponents and What Group They Represent:

None

ROLL CALL

HIGHWAY COMMITTEE

DATE February 9,1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.

DATE FEBRUARY 9, 1989

COMMITTEE ON HIGHWAY AND TRANSPORTATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Judy J Rose	Mgr/Rose Garage & Wrecker	SB316		✓
Bonita Cobbs	Dept of Highways	SB221	✓	
"	"	SB316	—	—
Russell D. McDonald	Dept of Hwys	316	—	—
William C. Sparr	Sparr's Towing - Mdsa	316		✓
[illegible]	SPARR'S TOWING Mdsa	316		✓
[illegible]	[illegible]	316		✓
[illegible]	A-1 Towing	316		✓
Jon Bruskon	A-1 Towing	316		✓
William Johnson	J. H Motors	316		✓
Judi Pahl Allen	Pare's Wrecker	316		✓
Don Pare	Pare's Wrecker	316		✓
Tom Pare	Pares Wrecker	316		✓
Marianne Lose	Al Lose Wrecker	SB 316		✓
Al Rose	Al Rose Wrecker	316		✓
Ina A. Keller	Al Rose Wrecking	316		✓
[illegible]	Engr Asst	716		✓
[illegible]	Downtown Wrecker	316		✓
[illegible]	Pare's WRECKER	316		✓
Mike Schafer	Yellowstone Co. S.O	316	✓	
[illegible]	Mt. St. Vol Firefighters	216	✓	
[illegible]	MT St. Vol. Firefighters Ass.	216	✓	
[illegible]	Hank's Salvage & Recycling Towing			X
Rick Tucker	Lobbyist	316		X

(Please leave prepared statement with Secretary)

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By CHAIRMAN TVEIT, on FEBRUARY 13, 1989, at 8:05 a.m. in Room 410 of the State Capitol.

ROLL CALL

Members Present: SENATORS: Larry Tveit, Darryl Meyer, Hubert Abrams, Bill Farrell, John Harp, Jerry Noble, Lawrence Stimatz, Cecil Weeding, Bob Williams

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: CHAIRMAN TVEIT announced that the Committee would have executive action on Senate Bills 216, 221 and 316.

DISPOSITION OF SENATE BILL 216

Discussion: None

Amendments and Votes: None

Recommendation and Vote: SENATOR HARP MOVED that SENATE BILL 216 DO PASS.

MOTION PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 221

Discussion: SENATOR TVEIT informed the Committee that this bill came to him at the request of the Highway Department because it is not on the statute for surveyors to legally slow people down.

Amendments and Votes: None

Recommendation and Vote: SENATOR HARP MOVED that SENATE BILL 221 DO PASS.

MOTION PASS UNANIMOUSLY.

DISPOSITION OF SENATE BILL 316

Discussion: None

Amendments and Votes: None

Recommendation and Vote: SENATOR HARP MOVED to TABLE SENATE BILL 316.

MOTION PASSED ON A ROLL CALL VOTE 6-1 with SENATOR NOBLE OPPOSING.

ADJOURNMENT

Adjournment At: 8:45 a.m.

Sen. Tveit

SENATOR LARRY TVEIT, Chairman

LT/pb

senmin.213

ROLL CALL

HIGHWAY COMMITTEE

DATE FEBRUARY 13, 1989

51st
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
CHAIRMAN TVEIT	✓		
VICE CHAIRMAN MEYER	✓		
SENATOR ABRAMS	✓		
SENATOR FARRELL	✓		
SENATOR WEEDING	✓		
SENATOR NOBLE	✓		
SENATOR STIMATZ	✓		
SENATOR HARP	✓		
SENATOR WILLIAMS	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 13, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration SB 221 (first reading copy -- white), respectfully report that SB 221 do pass.

DO PASS

Signed: Sen. Tveit

Larry J. Tveit, Chairman

2/13/89
9:40 a.m.

scrsb221.213

13

2nd Reading

Following: "25"
Strike: "20"
Insert: "24"

Amendment adopted unanimously, 50-0.

Senator Boylan moved that SB 194 as amended do pass. Motion carried unanimously, 50-0.

SB 26 - Senator Weeding moved that SB 26 be amended as follows:

1. Title, line 22.
Strike: "AN IMMEDIATE"

2. Title, line 23.
Strike: "DATE"
Insert: "DATES"

3. Page 11, line 10.
Following: "for"
Strike: "licensure"
Insert: "approval"

4. Page 14, line 14.
Following: "and"
Strike: "license"
Insert: "approval"

5. Page 22, lines 3 and 4.
Following: "Effective"
Strike: remainder of line 3 through "is" on line 4
Insert: "dates. (1) [Sections 3, 4, 6, and 13 and this section] are"
Following: line 4
Insert: "(2) [Sections 1, 2, 5, 7 through 12, and 14 through 22] are effective October 1, 1989."

Amendment adopted unanimously, 50-0.

Senator Weeding moved that SB 26 as amended do pass. Motion carried unanimously, 50-0.

SB 130 - Senator Manning moved that SB 130 do pass. Motion carried unanimously, 50-0.

SB 168 - Senator Bengtson moved that SB 168 do pass. Motion carried unanimously, 50-0.

SB 211 - Senator Pinsoneault moved that SB 211 be amended. Amendment failed as follows:

Ayes: Anderson, Boylan, Crippen, Eck, Gage, Halligan, Himsl, Hofman, Jacobson, Jergeson, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Severson, Stimatz, Tveit, Van Valkenburg, Walker, Williams, Yellowtail.
Total 22

Noes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Devlin, Hager, Hammond, Harding, Harp, Jenkins, Keating, Manning, McLane, Meyer, Nathe, Noble, Rasmussen, Regan, Story, Thayer, Vaughn, Weeding, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Brown, Farrell, Lynch.
Total 3

Senator Pinsoneault moved that SB 211 do pass. Motion failed as follows:

Ayes: Blaylock, Boylan, Crippen, Eck, Halligan, Himsl, Hofman, Jacobson, Lynch, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Yellowtail.
Total 19

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Jenkins, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Rasmussen, Story, Thayer, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: Jergeson.
Total 1

Senator Meyer moved that SB 211 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Jenkins, Keating, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Vaughn, Walker, Weeding, Williams.
Total 31

Noes: Blaylock, Boylan, Eck, Halligan, Himsl, Hofman, Jacobson, Lynch, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Tveit, Van Valkenburg, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: Jergeson, Mr. President.
Total 2

Senator Keating relinquished the chair to Senator Crippen.

SB 216 - Senator Manning moved that SB 216 do pass. Motion carried unanimously, 50-0.

SB 221 - Senator Tveit moved that SB 221 do pass. Motion carried unanimously, 50-0.

SB 223 - Senator Keating moved that SB 223 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Rasmussen, Severson, Story, Thayer, Tveit, Mr. President.
Total 28

Noes: Abrams, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

3rd Reading

Total 0

SB 216 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 221 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hofman, Mazurek, Severson.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 passed by the following vote:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Devlin, Farrell, Gage, Hager, Hammond, Harding, Harp, Himsl, Hofman, Jenkins, Keating, McLane, Meyer, Nathe, Noble, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Williams, Mr. President.
Total 30

Noes: Abrams, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Norman, Pipinich, Rapp-Svrcek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 226 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Crippen, Devlin, Farrell, Gage, Halligan, Hammond, Harding, Harp, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Meyer, Nathe, Noble, Norman, Pinsoneault, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Williams.
Total 32

Noes: Beck, Bishop, Blaylock, Boylan, Brown, Eck, Hager, Himsl, Mazurek, McLane, Pipinich, Rapp-Svrcek, Regan, Story, Tveit, Vaughn, Yellowtail, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Nathe, Noble, Norman, Pinsoneault, Pipinich, Rapp-Svrcek, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: Boylan, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 285 passed by the following vote:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Devlin, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Harp, Himsl, Hofman, Jacobson, Jenkins, Jergeson,

Form CS-32
Rev. 1985

SENATE
STATUS SHEET

51st LEGISLATIVE SESSION

Highways and Transportation COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CON-SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON-CURRED IN DATE	BE NOT CON-CURRED IN DATE	BE CON-CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
SB 57	2/21/89	2/28/89						2/28			
SB 72	2/21/89	2/28/89						2/28			
SB 123	2/21/89	2/28/89						2/28			
SP 98	2/21/89	3/2/89						3/7			
SB 148	2/21/89	3/2/89	3/7 3/14 TABLED								
SB 216	2/21/89	3/2/89						3/2			
SB 221	2/21/89	3/2/89						3/2			
SB 73	2/21/89	3/7/89						3/7			
SB 61	2/21/89	3/7/89						3/7			
SB 62	2/21/89	3/7/89						3/14			
SB 81	2/21/89	3/7/89						3/7			
SB 94	2/21/89	3/9/89								3/14	
SB 256	2/21/89	3/9/89						3/9			

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

5

LC 1392/01

Senate BILL NO. 221

INTRODUCED BY Swift Stapleton Gillett Smith, L. Nelson Stman K.H. Hayne Jon Nelson Wilson Peterson Jergeson Abrams

A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A SPEED LIMIT OF 35 MILES PER HOUR ON A HIGHWAY BEING SURVEYED; AND AMENDING SECTION 61-8-303, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-303, MCA, is amended to read:

"**61-8-303. Speed restrictions -- basic rule.** (1) A person operating or driving a vehicle of any character on a public highway of this state shall drive it in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to view ahead, and he shall drive it so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.

(2) Where no special hazard exists that requires lower speed for compliance with subsection (1) of this section, the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 61-8-309, 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in excess of those limits is unlawful:

(a) 25 miles per hour in an urban district;

(b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed;

(c) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.

(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(4) The speed limits set forth in this section may be altered by the highway commission as authorized in 61-8-309, 61-8-310, and 61-8-313.

(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."

NEW SECTION. **Section 2.** Extension of authority. Any existing authority to make rules on the subject of the

THIRD READING
SB 221

provisions of [this act] is extended to the provisions of [this act].

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By Chairman Stang, on March 2, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All with exception of:

Members Excused: Rep. Harrington and Rep. Clark

Members Absent: None

Staff Present: Paul Verdon, Researcher
Claudia Johnson, secretary

Announcements/Discussion: None

HEARING ON SENATE BILL 216

Presentation and Opening Statement by Sponsor:

Senator Manning, Senate District 18, stated this bill is meant to clear up a lot of problems that were created by a federal mandate declaring that people driving certain types of vehicles must have certain types of license. Senator Manning stated this bill takes out the vehicles operated in the state of Montana. Senator Manning read a report from the National Volunteer Fire Council which states "to grant waivers to firefighters from provisions of the Commercial Motor Vehicle Safety Act of 1986 marks an important victory for volunteer fire departments, according to E. James Monihan, chairman of the National Volunteer Fire Council (NVFC)". See Exhibit 1. Rep. Manning stated that the FHWA decided that it is not contrary to the public interest to grant waivers to firefighters and certain farmers who the federal commercial drivers license regulation affects, and to allow the states the option to exclude these groups in state implementation of federal regulations.

Testifying Proponents and Who They Represent:

Lyle Naegle, Mt. St. Vol. Firefighters Assoc.
Henry Lohr, Mt. St. Vol. Firefighters Assoc.

Proponent Testimony:

Mr. Naegle stated this bill came into effect from a convention last summer. Mr. Naegle stated that rather than doing

anything with the drivers license, that they would ask the legislature that firefighting vehicles be exempt from commercial status. Mr. Naegle stated that these firefighting vehicles must bear a tax exempt plate, so the contract fighters and commercial fighters, especially those that come into the state to fight fires, are not exempt from the commercial status.

Henry Lohr wanted to go on record in support of SB 216.

Ed Flees, Mt. State Council Professional Firefighters, stated he and the professional firefighters in the state of Montana support this bill.

Duane Tooley, Chief of Drivers Services Bureau, stated this bill provides that Montana law be the same as federal regulation, and does not see a problem with this bill and urged for a do pass.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Sen. Manning closed stating Rep. Jerry Nisbet would be carrying this bill on the floor of the House of Representatives.

HEARING ON SENATE BILL 221

Presentation and Opening Statement by Sponsor:

Senator Tveit, Senate District 11, stated the Highways Dept. asked him to present this bill before the Committee to impose a speed limit of 35 miles per hour on a highway that is being surveyed. Sen. Tveit stated all this bill does is add statutes so a MHP can issue a ticket to those speeders where a survey is being done. Sen. Tveit thought this was a good safety bill.

Testifying Proponents and Who They Represent:

Beate Galda, Dept. of Highways
H.S. Hansen, represents the land surveyors

Proponent Testimony:

Ms. Galda stated this bill gives survey crews the same protection that is now offered to construction and maintenance crews. Ms. Galda stated at the present the crews put up a 35 mph sign, but it is only for advisory purposes, and the MHP doesn't have authority to issue tickets if the sign is not obeyed. Ms. Galda stated the main change will be the orange and black signs will be white and black.

H.S. Hansen stated they support this bill for obvious reasons.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Bachini asked Sen. Tveit if there is an effective date for this bill. Sen. Tveit stated it is effective October 1, 1989.

Rep. Roth asked Ms. Galda about the perimeters of these signs, would it encompass the whole highway or just that area? Ms. Galda stated she had broadened the bill because of construction crews and signs are usually not more than a mile from the work area.

Closing by Sponsor: Sen. Tveit closed stating he felt this was a safety bill and is needed so the survey crews are protected. Sen. Tveit urged the Committee for their support.

HEARING ON SENATE BILL 98

Presentation and Opening Statement by Sponsor:

Senator Akelstad, Senate District 6, opened stating the county treasurer's wanted him to carry SB 98. Sen. Akelstad stated that under existing statutes, county treasurers have to issue a sticker for a mobile home every year when taxes are paid. Sen. Akelstad stated it is a cost to the county because it is so time consuming. Sen. Akelstad said the county treasurer's office wants the issuance of this sticker only at the time the mobile home is being moved from one location to another, and the taxes would stay the same.

Testifying Proponents and Who They Represent:

Cort Harrington, Mt. County Treasurers Assoc.

Proponent Testimony:

Mr. Harrington stated that Sen. Akelstad summarized the purpose

Opponent Testimony:

None

Questions From Committee Members: Rep. Patterson asked Mr. Funk if it would be wise for the court to retain possession of that driver's license for seven days before they submit it to the Dept. of Justice for suspension so if they missed the court appearance it would give them a grace period to show up for court and cut the paper work back. Mr. Funk stated it would be okay, but would prefer the 30 day grace period because he was afraid they would still get backed up with paper work with only the 7 days.

Rep. Patterson asked Mr. Funk if this would also apply on the $5 daytime speeding ticket on the highway. Mr. Funk stated it would.

Rep. Stang asked Mr. Funk if forms are already made up where would they put the restriction for that individual. Mr. Funk stated it could go on the back of the violator's copy (pink copy).

Closing by Sponsor: Sen. Halligan closed stating he thought it would be a good idea for the Justice of the Peace to hold the driver's license for seven days before it is sent to the Dept. of Justice for suspension. Sen. Halligan stated the main part of this bill is the request of the violators if he/she chooses to give up the driver's license.

Executive Action:

DISPOSITION OF SENATE BILL 216

Motion: Rep. O'Connell moved for SB 216 to BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Roth called the question. The motion CARRIED unanimously to BE CONCURRED IN and placed on the consent calendar.

DISPOSITION OF SENATE BILL 221

Motion: Rep. Bachini moved for SB 221 to BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Campbell called the question. The motion CARRIED unanimously to BE CONCURRED IN.

There being no further business the Committee was adjourned.

ADJOURNMENT

Adjournment At: 4:20 p.m.

REP. Barry Stang, Chairman

BS/cj

4906.min

DAILY ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date March 2, 1989

NAME	PRESENT	ABSENT	EXCUSED
Chairman Stang, Barry "Spook"	✓		
Vice Chairman Linda Nelson	✓		
Rep. Bachini, Bob	✓		
Rep. Davis, Ervin	✓		
Rep. Harrington, Dan			✓
Rep. O'Connell, Helen	✓		
Rep. Steppler, Don	✓		
Rep. Westlake, Vernon	✓		
Rep. Aafedt, Ole	✓		
Rep. Campbell, Bud	✓		
Rep. Clark, Robert			✓
Rep. Owens, Lum	✓		
Rep. Patterson, John			
Rep. Roth, Rande	✓		
Rep. Zook, Tom	✓		

CS-30

VISITORS' REGISTER

Highways COMMITTEE

BILL NO. SB 98, 148, 216 & 221 DATE March 2, 1989

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bruce Galda	Dept. of Highways	SB 221	
Duane Tooley	Driver Services	SB 216	
Darrell Scicksnam	Driver Improvement	SB 148	
Henry E Lohr	MT State Col Firefighters Assn	SB-216	
Lyle Nagel	MT St. Vol. Firefighters Assn	SB216	
Edward L Pl...	MH St Coun. of Retired Firefighters	SB216	
David Wills	Polson		
Wally Jewell	MT MAGIS Assoc	X	
Don Siweck	Missoula Co. Deputy Sheriff Assn	SB 148	
Pat Harrington	County Treasurers Assn	SB98	✓
T. Gregory Hug...	Madison Sheriff's	SB 148	
Peter Funk	Dept of Justice	SB 148	

CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

/ 2 /

STANDING COMMITTEE REPORT

March 2, 1989
Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 221 (reference copy -- blue) be concurred in .

Signed: _____
Barry Stang, Chairman

[REP. Stephens WILL CARRY THIS BILL ON THE HOUSE FLOOR]

491635SC.HRT

AT 26

2nd Reading

Nisbet, O'Connell, O'Keefe, Owens, Patterson, Phillips, Quilici, Ramirez, Raney, Ream, Rice, Roth, Russell, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Thoft, Thomas, Wallin, Westlake, Whalen, Mr. Speaker.
Total 85

Noes: Campbell, Cobb, Grinde, Hannah, Rehberg, Swysgood.
Total 6

Excused: DeBruycker, Eudaily, Grady, Pavlovich, Peck, Schye, Zook.
Total 7

Absent or not voting: Peterson, Wyatt.
Total 2

Representative Peck present at this time.

SB 179 - Representative Quilici moved consideration of SB 179 be passed for the day. Motion carried.

SB 204 - Representative Stickney moved SB 204 be concurred in. Motion carried as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeMars, Driscoll, Elliott, Ellison, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grinde, Guthrie, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Owens, Patterson, Peck, Peterson, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Russell, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Westlake, Whalen, Wyatt, Mr. Speaker.
Total 93

Noes: None.
Total 0

Excused: DeBruycker, Eudaily, Grady, Pavlovich, Schye, Zook.
Total 6

Absent or not voting: Kadas.
Total 1

SB 213 - Representative Quilici moved SB 213 be placed at the bottom of the second reading board. Motion carried.

Representatives Smith and Owens excused at this time.

SB 221 - Representative Steppler moved SB 221 be concurred in. Motion carried as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeMars, Driscoll, Elliott, Ellison, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Guthrie, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Peck, Peterson,

Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Russell, Simon, Simpkins, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Whalen, Wyatt, Mr. Speaker.
Total 89

Noes: None.
Total 0

Excused: DeBruycker, Eudaily, Grady, Owens, Pavlovich, Schye, Smith, Westlake, Zook.
Total 9

Absent or not voting: Cobb, Grinde.
Total 2

SB 222 - Representative Johnson moved SB 222 be concurred in. Motion carried as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeMars, Driscoll, Elliott, Ellison, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Guthrie, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Menahan, Mercer, Moore, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Peck, Peterson, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Russell, Simon, Simpkins, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Thoft, Thomas, Wallin, Westlake, Whalen, Wyatt, Mr. Speaker.
Total 89

Noes: None.
Total 0

Excused: DeBruycker, Eudaily, Grady, Owens, Pavlovich, Schye, Smith, Zook.
Total 8

Absent or not voting: D. Brown, Grinde, L. Nelson.
Total 3

SB 233 - Representative Swysgood moved SB 233 be placed at the bottom of the second reading board. Motion carried.

SB 237 - Representative Swysgood moved SB 237 be placed at the bottom of the second reading board. Motion carried.

SB 243 - Representative Kadas moved SB 243 be concurred in. Motion carried as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeMars, Driscoll, Elliott, Ellison, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grinde, Guthrie, Hannah, Hansen, Hanson, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Patterson, Peck, Peterson, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Roth, Russell, Simon, Simpkins, Spaeth, Spring, Squires, Stang, Steppler,

3rd reading

SB 213 concurred in as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeBruycker, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grady, Guthrie, Hannah, Hansen, Harper, Harrington, Hayne, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, Owens, Patterson, Pavlovich, Peterson, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Grinde, O'Keefe, Peck.
Total 3

Excused: Hanson, Hoffman, Roth, Russell, Thoft, Thomas.
Total 6

Absent or not voting: None.
Total 0

SB 216 concurred in as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeBruycker, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grady, Grinde, Guthrie, Hannah, Hansen, Harper, Harrington, Hayne, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Owens, Patterson, Pavlovich, Peck, Peterson, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: None.
Total 0

Excused: Hanson, Hoffman, Roth, Russell, Thoft, Thomas.
Total 6

Absent or not voting: None.
Total 0

SB 221 concurred in as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Clark, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeMars, Driscoll, Elliott, Eudaily, Gervais, Gilbert, Glaser, Gould, Grady, Guthrie, Hannah, Hansen, Harrington, Hayne, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, Nisbet, O'Connell, O'Keefe, Owens, Patterson, Pavlovich, Peck, Peterson, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Wallin, Westlake, Whalen, Zook, Mr. Speaker.
Total 81

Noes: Campbell, Cobb, DeBruycker, Ellison, Giacometto, Grinde, Harper, Marks, McCormick, T. Nelson, Phillips, Wyatt.
Total 12

Excused: Hanson, Hoffman, Roth, Russell, Thoft, Thomas.
Total 6

Absent or not voting: Good.
Total 1

Representative Hoffman present at this time.

SB 222 concurred in as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, D. Brown, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeBruycker, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grady, Grinde, Guthrie, Hannah, Hansen, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Owens, Patterson, Pavlovich, Peck, Peterson, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: None.
Total 0

Excused: Hanson, Roth, Russell, Thoft, Thomas.
Total 5

Absent or not voting: None.
Total 0

SB 243 concurred in as follows:

Ayes: Aafedt, Addy, Bachini, Bardanouve, Blotkamp, Boharski, Bradley, Brooke, J. Brown, Campbell, Clark, Cobb, Cocchiarella, Cody, Cohen, Compton, Connelly, Daily, Darko, Davis, DeBruycker, DeMars, Driscoll, Elliott, Ellison, Eudaily, Gervais, Giacometto, Gilbert, Glaser, Good, Gould, Grady, Grinde, Guthrie, Hannah, Hansen, Harper, Harrington, Hayne, Hoffman, Iverson, Johnson, Kadas, Kasten, Keller, Kilpatrick, Kimberley, Knapp, Koehnke, Lee, Marks, McCormick, McDonough, Menahan, Mercer, Moore, L. Nelson, R. Nelson, T. Nelson, Nisbet, O'Connell, O'Keefe, Owens, Patterson, Pavlovich, Peck, Peterson, Phillips, Quilici, Ramirez, Raney, Ream, Rehberg, Rice, Schye, Simon, Simpkins, Smith, Spaeth, Spring, Squires, Stang, Steppler, Stickney, Strizich, Swift, Swysgood, Wallin, Westlake, Whalen, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: None.
Total 0

Excused: Hanson, Roth, Russell, Thoft, Thomas.
Total 5

Absent or not voting: D. Brown.

not obligate funding from the department without the department's approval.

(2) When a youth is committed to the department, the department shall determine the appropriate placement and rehabilitation program for the youth after considering the recommendations made under 41-5-527 by the youth placement committee. Placement is subject to the following limitations:

(a) A youth in need of supervision may not be placed in a youth correctional facility.

(b) A youth may not be held in a youth correctional facility for a period of time in excess of the maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth under the jurisdiction of the youth court. Nothing in this section limits the power of the department to enter into an aftercare agreement with the youth pursuant to 53-30-226.

(c) No youth may be placed in or transferred to a penal institution or other facility used for the execution of sentence of adults convicted of crimes.

(3) A youth placed by the department in a youth correctional facility must be supervised by the department. A youth placed in any other placement must be supervised by the youth probation officer of the youth court having jurisdiction over the youth.

(4) At any time after the youth has been taken into custody, the court may, with the consent of the youth in the manner provided in 41-5-303 for consent by a youth to a waiver of his constitutional rights or after the youth has been adjudicated delinquent or in need of supervision, order the youth to be evaluated by the department for a period not to exceed 45 days. The department shall determine the place and manner of evaluation.

(5) No evaluation of a youth may be performed at the Montana state hospital unless such youth is transferred to the district court under 41-5-206.

(6) Any order of the court may be modified at any time. In the case of a youth committed to the department, an order pertaining to the youth may be modified only upon notice to the department and subsequent hearing.

(7) Whenever the court *commits a youth to the* department, it must transmit with the dispositional judgment copies of a medical report and such other clinical, predisposition, or other reports and information pertinent to the care and treatment of the youth."

Section 2. **Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

Section 3. **Effective date.** [This act] is effective on passage and approval.

Approved March 20, 1989.

CHAPTER NO. 173

[SB 221]

AN ACT IMPOSING A SPEED LIMIT OF 35 MILES PER HOUR ON A HIGHWAY BEING SURVEYED; AND AMENDING SECTION 61-8-303, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-8-303, MCA, is amended to read:

"**61-8-303. Speed restrictions — basic rule.** (1) A person operating or driving a vehicle of any character on a public highway of this state shall drive it in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to view ahead, and he shall drive it so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.

(2) Where no special hazard exists that requires lower speed for compliance with subsection (1) of this section, the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 61-8-309, 61-8-310, 61-8-311, and 61-8-313 is lawful, but a speed in excess of those limits is unlawful:

(a) 25 miles per hour in an urban district;

(b) 35 miles per hour on a highway under construction or repair *or on a highway being surveyed*;

(c) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.

(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(4) The speed limits set forth in this section may be altered by the highway commission as authorized in 61-8-309, 61-8-310, and 61-8-313.

(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."

Section 2. **Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

Approved March 20, 1989.

CHAPTER NO. 174

[HB 189]

AN ACT INCREASING THE SENTENCE FOR THE CRIME OF INCEST IF THE OFFENDER INFLICTS BODILY INJURY UPON ANYONE IN THE COURSE OF COMMITTING THE CRIME OR IF THE VICTIM IS UNDER 16 YEARS OF AGE AND THE OFFENDER IS 3 OR MORE YEARS OLDER THAN THE VICTIM; AND AMENDING SECTION 45-5-507, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-5-507, MCA, is amended to read:

"**45-5-507. Incest.** (1) A person commits the offense of incest if he knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact as defined in 45-2-101 with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The relationships referred to herein include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter.

(2) Consent is a defense under this section to incest with or upon a stepson or stepdaughter, but consent is ineffective if the victim is less than 18 years old.

(3) A person convicted of incest shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed $50,000, or both.

(4) If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, he shall be imprisoned in the state prison for any term not to exceed 20 years and may be fined not more than $50,000.

(5) In addition to any sentence imposed under subsection (3) *or (4)*, after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."

Approved March 20, 1989.

CHAPTER NO. 175

[HB 423]

AN ACT AUTHORIZING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES TO IMPOSE A PERMIT SYSTEM FOR THE TRANSPORTATION OF SHEEP; PROVIDING A PENALTY; REPEALING SECTIONS 81-5-201 THROUGH 81-5-204, MCA; AND PROVIDING A TERMINATION DATE.

STATEMENT OF INTENT

A statement of intent for this bill is necessary because it requires the department of livestock to adopt rules implementing a permit system for the transportation of sheep within or out of the state. The legislature intends that the rules be designed to provide the owner with protection against the theft of his sheep by requiring a permit for the removal of sheep:

(a) from one county to another county within the state; and

(b) out of the state.

Provision must be made for the form of the permit and for issuance of the permit by state livestock inspectors. The department shall also determine a fee for the issuance of the permit, commensurate with the cost of operating the permit system.

It is the intent of the legislature that the department of livestock monitor this permit system to determine the system's effectiveness prior to the termination date of this legislation.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Permit system for transportation of sheep — penalty.** (1) The department shall adopt rules imposing a permit system for the transportation of sheep within or out of the state if it finds that a permit system is necessary to prevent theft of sheep. The rules must establish fees commensurate with the department's cost of operating the permit system.

(2) A person who purposely or knowingly transports sheep in violation of rules adopted under subsection (1) is guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000 or imprisonment in the county jail for a term not exceeding 6 months, or both.

Section 2. **Repealer.** Sections 81-5-201 through 81-5-204, MCA, are repealed.

Section 3. **Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 81, chapter 5, part 1, and the provisions of Title 81 apply to [section 1].

Section 4. **Termination.** [This act] terminates September 30, 1993.

Approved March 20, 1989.

1-16-98

MCA 561-8-303 - speed restrictions

MONTANA LEGISLATIVE HISTORY

Chapter 263 §41 19 55 } no original bill } at Historical Society
Bill H _____ S 54 Original bill & history ____C

H. Committee on _____ S. Committee on Judiciary

Hearing Date(s) _____ ____C Hearing Date(s) 2-11-55 ____C

_____ ____C _____ ____C

_____ ____C _____ ____C

_____ ____C _____ ____C

Date Out _____ ____C

Comm. minutes not included in this history

Did this bill originate in an interim committee? ____Yes ✓No

Committee _____ Report _____

- Ch. 190 1967
  Senate Bill 82 } no original bill } at Historical Society
  Senate Comm. - Highways + Transport
  2-6- or 2-7-67

- Ch. 316 sss 1974
  Senate Bill 473 } no original bill } at Historical Society
  Senate Comm. - Executive Reorganization
  - hearing date ?

- Ch. 173 s 1 1989
  Senate Bill 221 } original bill included
  Senate Comm. - Highways + Transport
  2-13-89

- Ch. 70 sl 1995
  Senate Bill 160 } original bill included
  Senate Comm. - Highways + Transport
  1-26-95
  House Comm. - Highways + Transport
  2-6-95

- Ch. 287 s2 1995
  House Bill 249 } original bill included
  House Comm. - Highways + Transport

Comm. minutes not included in this history

31

(over)

Senate Comm. - Local Government
3-9-96

- Ch. 473 S3 1997

House Bill 99 (original bill not available - at bindery)

House - Comm. - Transportation
1-20-97

Senate - Comm. - Highways + Transportation
3-4-97

House hearing - 4-16-97